IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 2609 of 2005
In
Appeal (Lodging) No. 895 of 2005
In
Writ Petition No. 1751 of 2000

Bhartiya Navik Sena Union .. Appellants
V/s.
National Union of Seafarers
of India & Ors. .. Respondents

Mr. V.P. Vaidya i/b. Mr. Neel Helekar for the Appellants
Mr. Salgaonkar for the Respondent No. 1
Mr. S.R. Rajguru for the Respondent No. 2 and 4
Mr. K.S. Bapat with Mr. T.R. Yadav for the Respondent No. 8

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 14.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellants and the learned counsel for the Respondent Nos. 1, 2, 4 and 8. Other Respondents have been duly served. The learned counsel for the Appellants undertakes to file affidavit of service within a period of two weeks from today.

2. By this Notice of Motion, the Appellant is seeking condonation of delay. Perused the affidavit in support of the Notice of Motion and the affidavit in reply filed on behalf of the Respondent No. 1. For the reasons stated in the affidavit in support of the Notice of Motion, sufficient cause is made out for condonation of delay. Specially in view of the fact

that the Appellant is not a party in the original

proceeding and in pursuance of our granting leave to file the Appeal, the Appellant has filed this Appeal. In view of the aforesaid facts, delay has occurred, which is explained, hence sufficient cause is made out. There is no case of inaction, negligence or want of bonafide. Notice of Motion is made absolute in terms of prayer clause (a) and (b).

3. Place the Appeal on Board for admission on 21.11.2005, subject to numbering.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)